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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Shizuo Akira

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EXAMINER

HAMA, JOANNE

ART UNIT

PAPER NUMBER

1632

MAIL DATE

DELIVERY MODE

01/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Applicant filed a response to the Final Action of September 18, 2008 on December 16, 2008. Claims 3, 6, 7 are cancelled. Claims 4, 5 are amended.

Claims 1, 2, 4, 5, 8, drawn to a homozygous TRAM-knockout mouse and a method of using the mouse in a screen for a substance promoting a response to a ligand recognized by TLR4, are under consideration.

11. Request for Reconsideration/Other

35 USC § 101

Applicant's arguments filed December 12, 2008 have been fully considered but they are not persuasive.

Applicant indicates that the Examiner states that the usefulness of the mouse of the present invention cannot be found in the screening of TRAM inhibitors. By considering this assessment, Applicant has amended claims 4 and 5 by limiting to a method of screening for substance promoting a response to a ligand recognized by TLR4 and argue that an artisan could readily understand that a mouse of the present invention and cells thereof play a critical role in the screening of TRAM promoters (Applicant's emphasis, Applicant's response, page 4). In response, this is not persuasive. With regard to the Examiner indicating that the usefulness of the mouse cannot be found in the screening of TRAM inhibitors, it is noted that the Examiner was responding specifically to Applicant's asserted use of the claimed mice in a screen for inhibitors. The Examiner was not indicating that the use of the mice would be found in identifying activators. It is noted that in the Office Action of September 18, 2008, the

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Examiner does not find utility for the claimed mice as they are resistant to endotoxin shock. This means that the claimed mice are resistant to a disorder or a medical condition. It is unclear what use a mouse that is resistant to a disorder or medical condition has. As such, the claimed mice and the method of using them in screens lack utility. Thus, the rejection remains.

35 USC § 112, 1st parag.

Applicant's arguments filed December 12, 2008 have been fully considered but they are not persuasive.

As discussed above, because the claimed mice are described as being resistant to endotoxin shock and are resistant to a disease or a medical condition, the use of the claimed mice is not readily apparent. Thus, the claims remain rejected.

No claims allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Hama, Ph.D. whose telephone number is 571-272-2911. The examiner can normally be reached Mondays, Tuesdays, Thursdays, and Fridays from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras, can be reached on 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

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/Joanne Hama/
Primary Examiner
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